

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:14-CV-230-D

EPIC GAMES, INC.,

Plaintiff,

v.

TIMOTHY FREDERICK MURPHY-JOHNSON,

Defendant.

**ORDER**

On May 19, 2014, Epic Games, Inc. ("Epic") filed a motion to remand this action to Wake County Superior Court. See [D.E. 14]. On June 9, 2014, Timothy Frederick Murphy-Johnson ("Murphy-Johnson") responded in opposition. See [D.E. 19]. On June 25, 2014, Epic replied. See [D.E. 21].

Murphy-Johnson bears the burden of establishing federal subject-matter jurisdiction. See, e.g., Hartford Fire Ins. Co. v. Harleysville Mut. Ins. Co., 736 F.3d 255, 259 (4th Cir. 2013); Mulcahey v. Columbia Organic Chems. Co., 29 F.3d 148, 151 (4th Cir. 1994). The record demonstrates that Murphy-Johnson has not met that burden. See, e.g., Vaden v. Discover Bank, 556 U.S. 49, 59–72 (2009); Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 233–34 (2007); ESAB Grp., Inc. v. Zurich Ins. PLC, 685 F.3d 376, 387–88 (4th Cir. 2012); LaFarge Coppee v. Venezolana De Cementos, S.A.C.A., C.A., 31 F.3d 70, 72 (2d Cir. 1994); Wiggins v. N. Am. Equitable Life Assurance Co., 644 F.2d 1014, 1017 (4th Cir. 1981). Accordingly, the motion to remand [D.E. 14] is GRANTED. The action is remanded to Wake County Superior Court.

SO ORDERED. This 9 day of July 2014.

  
JAMES C. DEVER III  
Chief United States District Judge